

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Case No. 7:23-CV-01674-M-RJ

JETT et al.,

Plaintiffs,

v.

THE COUNTRY ACRES ASSOCIATION  
OF COLUMBUS COUNTY LTD, et al.,

Defendants.

ORDER

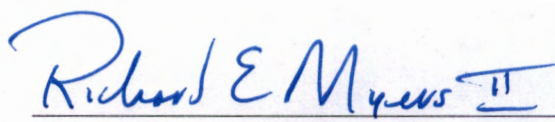
This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Robert B. Jones, Jr. in this case on April 22, 2024 [DE 16]. In the Recommendation, Judge Jones recommends that (1) the claims on behalf of the minor children be dismissed without prejudice; (2) the 42 U.S.C. § 1982 and state law tort claims against George Coleman and Michael Coleman be allowed to proceed; (3) the claims under N.C. Gen. Stat. § 14-401.14, Ethnic Intimidation, and Section 5(a) of the Federal Trade Commission Act be dismissed with prejudice; (4) the remaining claims be dismissed without prejudice; and (5) the motions for leave to act as a representative for the minors and the motion for injunction be denied. DE 16 at 1. Judge Jones also ordered Plaintiff Tara Jett to “file an application to proceed *in forma pauperis* or pay the filing fee by no later than May 6, 2024, or her claims may be dismissed.” *Id.* Plaintiff Tara Jett did not file an application to proceed in forma pauperis, and no Plaintiff objected to the Recommendation. *See* Docket Entries dated April 22, 2024, to present.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence

or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Jones as its own. For the reasons stated therein, (1) the claims on behalf of the minor children are DISMISSED WITHOUT PREJUDICE; (2) the 42 U.S.C. § 1982 and state law tort claims against George Coleman and Michael Coleman shall proceed; (3) the claims under N.C. Gen. Stat. § 14-401.14, Ethnic Intimidation, and Section 5(a) of the Federal Trade Commission Act are DISMISSED WITH PREJUDICE; (4) the remaining claims are DISMISSED WITHOUT PREJUDICE; and (5) the motions for leave to act as a representative for the minors [DE 5] and the motion for injunction [DE 6] are DENIED. Further, because Plaintiff Tara Jett failed to comply with Judge Jones’ order to file an application to proceed in forma pauperis, her claims are DISMISSED WITHOUT PREJUDICE. Plaintiffs also filed two additional motions for injunctions [DE 14; DE 18]. Those are DENIED for the same reasoning underlying the denial of Docket Entry 6. To be clear, the only surviving claims in this action are Plaintiff Raymond Jett’s Section 1982 and state law tort claims against George Coleman and Michael Coleman.

SO ORDERED this 22<sup>d</sup> day of May, 2024.

  
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RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE